

ASSEMBLY BILL

No. 766

Introduced by Assembly Member Walters

February 22, 2007

An act to amend Section 35330 of, and to add Section 33054 to, the Education Code, relating to charter schools.

LEGISLATIVE COUNSEL'S DIGEST

AB 766, as introduced, Walters. Charter schools.

(1) Existing law authorizes the governing board of a school district or a county board of education, on a districtwide or countywide basis or on behalf of one or more of its schools or programs, after a public hearing on the matter, to request the State Board of Education to waive all or part of a statutory provision in the Education Code or a regulation adopted by the State Board that implements one of those provisions.

This bill would make a charter school equivalent to a school district for purposes of submitting a waiver request to the State Board, thereby allowing charter schools to perform that function. The governing board of the charter school would be required to submit its waiver application to the chartering authority for the school, and the governing board of that chartering authority would be required to hold a public hearing to review the application no later than 90 days following receipt of the application. The governing board of a charter school would be authorized to submit its waiver application directly to the State Board after holding a public hearing to consider that action if the governing board of the chartering authority fails to hold the public hearing within the 90-day period.

(2) Existing law authorizes the governing board of a school district or the county superintendent of schools of a county to, among other

things, conduct field trips or excursions in connection with courses of instruction or school-related social, educational, cultural, athletic, or school band activities to and from places in the state, any other state, the District of Columbia, or a foreign country for pupils enrolled in elementary or secondary schools. All persons making a field trip or excursion are deemed to have waived all claims against the district or the State of California for injury, accident, illness, or death occurring during or by reason of the field trip or excursion.

This bill would clarify that provision by adding charter schools to the list of entities against which all claims are deemed to have been waived.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 33054 is added to the Education Code,
2 to read:
3 33054. (a) For purposes of this article, a charter school shall
4 be deemed a school district.
5 (b) (1) To request a waiver pursuant to this article, the
6 governing board of a charter school shall submit its waiver
7 application to the chartering authority for the school.
8 (2) The governing board of the chartering authority shall hold
9 a public hearing to consider the waiver application no later than
10 90 days following receipt of the application. If the chartering
11 authority is a school district or county office of education, it shall
12 forward a summary of the public hearing along with the waiver
13 application to the State Board upon completion of its review of
14 the application. If the chartering authority recommends against
15 approval of the waiver application, it shall set forth the reasons
16 for its recommendation in writing and forward that document to
17 the State Board along with the waiver application.
18 (3) If the governing board of the chartering authority fails to
19 hold the public hearing within 90 days of receiving the application,
20 the governing board of the charter school may submit the waiver
21 application directly to the State Board after holding a public hearing
22 to consider that action.
23 (c) A charter school that submits a waiver application pursuant
24 to this article shall satisfy all of the requirements that a school
25 district is subject to pursuant to this article, except for holding the

1 public hearing described in subdivision (a) of Section 33050, which
2 shall be held by the chartering authority pursuant to paragraph (2)
3 of subdivision (b).

4 SEC. 2. Section 35330 of the Education Code is amended to
5 read:

6 35330. (a) The governing board of ~~any~~ a school district or the
7 county superintendent of schools of ~~any~~ a county may:

8 (a)

9 (1) Conduct field trips or excursions in connection with courses
10 of instruction or school-related social, educational, cultural,
11 athletic, or school band activities to and from places in the state,
12 any other state, the District of Columbia, or a foreign country for
13 pupils enrolled in elementary or secondary schools. A field trip or
14 excursion to and from a foreign country may be permitted to
15 familiarize students with the language, history, geography, natural
16 sciences, and other studies relative to the district's course of study
17 for ~~such~~ pupils.

18 (b)

19 (2) Engage ~~such~~ instructors, supervisors, and other personnel
20 as ~~desire~~ to contribute their services over and above the normal
21 period for which they are employed by the district, if necessary,
22 and provide equipment and supplies for ~~such~~ the field trip or
23 excursion.

24 (c)

25 (3) Transport by use of district equipment, contract to provide
26 transportation, or arrange transportation by the use of other
27 equipment, of pupils, instructors, supervisors or other personnel
28 to and from places in the state, ~~any other~~ another state, the District
29 of Columbia, or a foreign country where ~~such~~ those excursions
30 and field trips are being conducted, provided that, when district
31 equipment is used, the governing board shall secure liability
32 insurance, and if travel is to and from a foreign country, ~~such~~
33 liability insurance shall be secured from a carrier licensed to
34 transact insurance business in ~~such~~ the foreign country.

35 (d)

36 (4) Provide supervision of pupils involved in field trips or
37 excursions by certificated employees of the district.

38 (b) (1) No pupil shall be prevented from making the field trip
39 or excursion because of lack of sufficient funds. To this end, the

1 governing board shall coordinate efforts of community service
2 groups to supply funds for pupils in need ~~of them~~.

3 (2) No group shall be authorized to take a field trip or excursion
4 authorized by this section if ~~any~~ a pupil who is a member of ~~such~~
5 an identifiable group will be excluded from participation in the
6 field trip or excursion because of lack of sufficient funds.

7 (3) No expenses of pupils participating in a field trip or
8 excursion to ~~any other~~ other state, the District of Columbia, or a
9 foreign country authorized by this section shall be paid with school
10 district funds. Expenses of instructors, chaperones, and other
11 personnel participating in a field trip or excursion authorized by
12 this section may be paid from school district funds, and the school
13 district may pay from school district funds all incidental expenses
14 for the use of school district equipment during a field trip or
15 excursion authorized by this section.

16 (c) (1) The attendance or participation of a pupil in a field trip
17 or excursion authorized by this section shall be considered
18 attendance for the purpose of crediting attendance for
19 apportionments from the State School Fund in the fiscal year.
20 Credited attendance resulting from ~~such~~ a field trip or excursion
21 shall be limited to the amount of attendance ~~which~~ that would have
22 accrued had the ~~students~~ pupils not been engaged in the field trip
23 or excursion.

24 (2) Credited attendance shall not exceed 10 schooldays except
25 in the case of pupils participating in a field trip or excursion in
26 connection with courses of instruction, or school-related
27 educational activities, and which are not social, cultural, athletic,
28 or school band activities.

29 (d) All persons making the field trip or excursion shall be
30 deemed to have waived all claims against the district, a *charter*
31 *school*, or the State of California for injury, accident, illness, or
32 death occurring during or by reason of the field trip or excursion.
33 All adults taking out-of-state field trips or excursions and all
34 parents or guardians of pupils taking out-of-state field trips or
35 excursions shall sign a statement waiving ~~such~~ all claims.

36 No transportation allowances shall be made by the
37 Superintendent of ~~Public Instruction~~ for expenses incurred with
38 respect to field trips or excursions ~~which~~ that have an out-of-state
39 destination. ~~Any~~ A school district ~~which~~ that transports pupils,
40 teachers, or other employees of the district in schoolbuses within

1 the state and to destinations within the state, pursuant to the
2 provisions of this section, shall report to the Superintendent of
3 ~~Public Instruction~~ on forms prescribed by him *or her* the total
4 mileage of schoolbuses used in connection with ~~such~~ educational
5 excursions. In computing the allowance to ~~such a~~ school district
6 for regular transportation there shall be deducted ~~therefrom~~ *from*
7 *that allowance* an amount equal to the depreciation of schoolbuses
8 used for ~~such the~~ transportation in accordance with rules and
9 regulations adopted by the Superintendent of ~~Public Instruction~~.

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